

#### 401 KAR 10:030. Antidegradation policy implementation methodology.

RELATES TO: KRS 146.200-146.360, 146.410-146.535, 146.550-146.570, 146.600-146.619, 146.990, 176.430, 224.1-010, 224.1-400, 224.16-050, 224.16-070, 224.70-100-224.70-140, 224.71-100-224.71-145, 224.73-100-224.73-120, 30 U.S.C. 1201 -1328

STATUTORY AUTHORITY: KRS 146.220, 146.241, 146.270, 146.410, 146.450, 146.460, 146.465, 224.10-100, 224.16-050, 224.16-060, 224.70-100, 224.70-110, 40 C.F.R. 130, 131, 16 U.S.C. 1271-1287, 1531-1544, 33 U.S.C. 1311, 1313, 1314, 1315, 1316, 1341, 1342, 1344

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the cabinet to develop and conduct a comprehensive program for the management of water resources and to provide for the prevention, abatement, and control of all water pollution. KRS 224.70-100 authorizes the policy of the commonwealth to conserve its waters for legitimate uses, safeguard from pollution the uncontaminated waters of the commonwealth, prevent the creation of any new pollution in the waters of the commonwealth, and abate any existing pollution. This administrative regulation and 401 KAR 10:001, 10:026, 10:029, and 10:031 establish procedures to protect the surface waters of the Commonwealth, and thus protect water resources. This administrative regulation establishes a methodology to implement the antidegradation policy contained in 401 KAR 10:029 by establishing procedures to control water pollution in waters affected by that policy.

Section 1. Categorization and Implementation. The antidegradation procedures established in this administrative regulation shall not preempt the power or authority of a local government to provide by ordinance for a higher level of protection through antidegradation implementation for a discharger located within that local government's jurisdiction to a surface water of the commonwealth. The procedures established in this section shall govern implementation of the antidegradation policy of 401 KAR 10:029, Section 1, for a point source discharge. Surface waters shall be placed into one (1) of four (4) categories listed in this section and each category shall have a corresponding implementation procedure.

(1) Outstanding national resource water. Surface waters of the commonwealth categorized as outstanding national resource waters are listed in Table 1 of this subsection.

| Table 1<br>SURFACE WATERS CATEGORIZED AS OUTSTANDING NATIONAL<br>RESOURCE WATER |  |                |                      |
|---|--|----------------|----------------------|
| Stream  | Segment  | River<br>Miles | County               |
| Red River   | Upstream to Island off SR 1067 to Downstream Wild River Boundary at SR 746 | 49.2 to 68.6   | Menifee/Wolfe        |
| Underground River System  | Within Mammoth Cave National Park Boundary                                 |                | Edmonson/Hart/Barren |
| Big South Fork Cumberland River   | Downstream Wild River Boundary to Tennessee State line                     | 44.3 to 54.8   | McCreary             |
| Surface Waters within Reelfoot Lake National Wildlife Refuge                    | Reelfoot Lake National Wildlife Refuge Proclamation Boundary in Kentucky   | 2040 Acres     | Fulton               |
| War Fork Sta-   | Basin above South Fork of  | 0.0 to         | Jackson              |

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| tion Camp Creek  | Station Camp Creek to Steer Fork                                   | 13.8         |                |
| Marsh Creek      | Mouth to 1.9 miles upstream of Kentucky 478                        | 0.0 to 15.0  | McCreary       |
| Rock Creek       | State border to White Oak Creek                                    | 4.1 to 21.9  | McCreary       |
| Rockcastle River | Lower end of Narrows to 0.2 miles downstream of Kentucky 80 bridge | 8.95 to 22.4 | Laurel/Pulaski |

(a) Categorization criteria. A surface water shall be categorized as an outstanding national resource water if:

1. The surface water meets, at a minimum, the requirements for an outstanding state resource water as provided in 401 KAR 10:031, Section 8; and
2. The surface water demonstrates national ecological or recreational significance.

(b) Implementation procedure.

1. Water quality shall be maintained and protected in an outstanding national resource water.
2. A new discharger or expanded discharge that may result in permanent or long-term changes in water quality shall be prohibited.
3. The cabinet may approve temporary or short-term changes in water quality if the changes to the outstanding national resource water do not have a demonstrable impact on the ability of the water to support the designated uses.

(2) Exceptional water. Surface waters of the commonwealth categorized as an exceptional water are listed in Table 2 of this subsection.

| Table 2<br>SURFACE WATERS CATEGORIZED AS EXCEPTIONAL WATER |  |             |        |
|--|--|-------------|--------|
| Stream   | Segment  | River Miles | County |
| BIG SANDY RIVER BASIN                                      |  |             |        |
| Hobbs Fork of Pigeonroost Fork of Wolf Creek*              | Mouth to Headwaters                                    | 0.0-3.9     | Martin |
| Lower Pigeon Branch of Elkhorn Creek*                      | Left Fork to Headwaters                                | 0.6-1.9     | Pike   |
| Russell Fork of Levisa Fork of Big Sandy River*            | Clinch Field RR Yard off HWY 80 to Virginia State Line | 15.0-16.5   | Pike   |
| Thompson Fork of Souders Branch                            | Mouth to Headwaters                                    | 0.0-1.0     | Floyd  |
| Toms Branch of Elkhorn Creek*                              | Mouth to Headwaters                                    | 0.0-1.6     | Pike   |
| Unidentified   | Hobbs Fork of Pi-                                      | 0.0-0.6     | Martin |

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| Tributary of Hobbs Fork*                        | geonroost Fork to Headwaters           |          |                 |
| Unidentified Tributary of Open Fork Paint Creek | Mouth to Headwaters                    | 0.0-0.8  | Morgan          |
| LITTLE SANDY RIVER BASIN                        |  |          |                 |
| Arabs Fork of Big Sinking Creek*                | Clay Fork to Headwaters                | 0.0-5.1  | Elliott         |
| Big Caney Creek*                                | Grayson Lake to Headwaters             | 1.8-15.3 | Elliott, Rowan  |
| Big Sinking Creek of Little Sandy River*        | SR 986 to Clay Fork and Arab Fork      | 6.1-15.8 | Carter, Elliott |
| Meadow Branch of Little Sandy River*            | Mouth to Headwaters                    | 0.0-1.4  | Elliott         |
| Middle Fork Little Sandy River*                 | Mouth to Sheepskin Branch              | 0.0-3.4  | Elliott         |
| Nichols Fork of Little Sandy River*             | Green Branch to Headwaters             | 0.0-2.0  | Elliott         |
| Laurel Creek of Little Sandy River*             | Carter School Rd Bridge to Headwaters  | 7.6-14.7 | Elliott, Rowan  |
| LICKING RIVER BASIN                             |  |          |                 |
| Blackwater Creek of Licking River*              | Eaton Creek to Greasy Fork             | 3.8-11.7 | Morgan          |
| Blanket Creek of Licking River                  | Mouth to Unidentified Tributary        | 0.0-1.9  | Pendleton       |
| Botts Fork of Brushy Fork of Licking River*     | Mouth to Landuse Change                | 0.0-2.1  | Meniffee        |
| Bowman Creek of Licking River                   | Mouth to Unidentified Tributary        | 0.0-6.0  | Kenton          |
| Brushy Fork of Meyers Creek*                    | Cave Run Lake Backwaters to Headwaters | 0.7-5.6  | Meniffee        |
| Brushy Fork of South Fork of Grassy Creek*      | Mouth to Headwaters                    | 0.0-5.8  | Pendleton       |
| Bucket Branch of North Fork Licking River*      | Mouth to Headwaters                    | 0.0-1.9  | Morgan          |
| Cedar Creek of                                  | Mouth to North                         | 0.0-1.7  | Robertson       |

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| Licking River   | Branch of Cedar Creek                             |             |                         |
| Craney Creek of Licking River                                       | Mouth to Headwaters                               | 0.0-11.2    | Morgan, Rowan           |
| Devils Fork of North Fork Licking River*                            | Mouth to Headwaters                               | 0.0-8.5     | Elliott, Morgan         |
| Flour Creek of Licking River  | Mouth to Unidentified Tributary                   | 0.0-2.2     | Pendleton               |
| Grovers Creek of Kincaid Creek*                                     | Kincaid Lake Backwaters to Unidentified Tributary | 0.5-3.4     | Bracken, Pendleton      |
| Licking River   | SR 211 to unnamed Rd off Slatey Point Rd          | 159.5-170.6 | Bath, Rowan             |
| North Fork Licking River*   | Cave Run Lake Backwaters to Devils Fork           | 8.4-13.4    | Morgan                  |
| Sawyers Fork of Cruises Creek                                       | Mouth to Headwaters                               | 0.0-3.3     | Kenton                  |
| Slabcamp Creek of Craney Creek of Licking River                     | Mouth to Headwaters                               | 0.0-3.7     | Rowan                   |
| Slate Creek of Licking River  | Mouth to Mill Creek                               | 0.0-13.6    | Bath                    |
| South Fork Grassy Creek of Grassy Creek of Licking River*           | Mouth to Greasy Creek                             | 0.0-19.8    | Kenton, Pendleton       |
| Unidentified Tributary of Shannon Creek of North Fork Licking River | Mouth to Headwaters                               | 0.0-2.2     | Mason                   |
| Welch Fork of Brushy Fork Licking River*                            | Mouth to First Road Crossing                      | 0.0-1.0     | Menifee                 |
| West Creek of Licking River*  | Mouth to Headwaters                               | 0.0-9.8     | Harrison, Robertson     |
| KENTUCKY RIVER BASIN  |   |             |                         |
| Backbone Creek of Sixmile Creek of Kentucky River*                  | Mouth to Scrabble Creek                           | 0.0-1.65    | Franklin, Henry, Shelby |

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| Bear Branch of North Fork Kentucky River    | Above Sediment Pond to Headwaters                               | 0.3-1.2  | Perry        |
| Big Double Creek of Red Bird River*         | Mouth to confluence of Left and Right Forks of Big Double Creek | 0.0-4.4  | Clay         |
| Bill Branch of Laurel Fork Greasy Creek*    | Mouth to Right Fork and Left Fork Creek                         | 0.0-0.3  | Leslie       |
| Billey Fork of Millers Creek                | Land Use Change to Headwaters                                   | 2.6-8.8  | Lee, Elliott |
| Boyd Run of North Elkhorn Creek             | Mouth to Cherry Run   | 0.0-0.9  | Scott        |
| Bill Oak Branch of Left Fork Buffalo Creek  | Mouth to Headwaters   | 0.0-0.6  | Owsley       |
| Buffalo Creek of South Fork Kentucky River* | Mouth to Right Fork and Left Fork                               | 0.0-1.6  | Owsley       |
| Bullskin Creek of Redbird River             | Mouth to Headwaters   | 0.0–14.6 | Clay         |
| Cavanaugh Creek*                            | South Fork Station Camp Creek to Fox-town Rd                    | 0.0-8.3  | Jackson      |
| Chester Creek of Middle Fork Red River*     | Mouth to Headwaters   | 0.0-2.8  | Wolfe        |
| Clear Creek of Kentucky River*              | Mouth to East Fork Clear Creek                                  | 0.0-9.0  | Woodford     |
| Clemons Fork of Buckhorn Creek*             | Mouth to Headwaters   | 0.0-4.8  | Breathitt    |
| Coles Fork of Buckhorn Creek*               | Mouth to Headwaters   | 0.0-6.2  | Breathitt    |
| Craig Creek of Kentucky River*              | Mouth to Unidentified Tributary                                 | 0.5-2.7  | Woodford     |
| Deep Ford Branch of Cut-shin Creek          | Above Pond to Headwaters  | 0.3-1.3  | Leslie       |
| Drennon Creek of Kentucky                   | Fivemile Creek to Town Branch                                   | 8.7-12.2 | Henry        |

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| River*   |  |             |              |
| East Fork Indian Creek of Indian Creek of Red River*   | West Fork Indian Creek to Headwaters   | 0.0-9.0     | Menifee      |
| Elisha Creek of Red Bird River*                        | Land Use Change (Residential) to the confluence of Right Fork and Middle Fork Elisha Creek | 0.8-1.8     | Leslie       |
| Emily Run of Drennon Creek                             | Mouth to Unidentified Tributary  | 0.0-4.0     | Henry        |
| Evans Fork of Billey Fork of Millers Creek *           | Mouth to Headwaters  | 0.0-3.0     | Estill       |
| Falling Rock Branch of Clemons Fork of Buckhorn Creek* | Mouth to Headwaters  | 0.0-0.7     | Breathitt    |
| Gilberts Creek of Kentucky River                       | Mouth to Unidentified Tributary  | 0.0 to 2.6  | Anderson     |
| Gladie Creek of Red River*                             | Land Use Change to Long Branch   | 0.35 to 7.3 | Menifee      |
| Goose Creek of South Fork Kentucky River               | Mouth to Laurel Creek  | 0.0-9.1     | Clay, Leslie |
| Griers Creek of Kentucky River*                        | Kentucky River Backwaters to Unidentified Tributary  | 0.1 to 3.5  | Woodford     |
| Grindstone Creek of Kentucky River*                    | Kentucky River Backwaters to Headwaters  | 0.1 to 1.9  | Franklin     |
| Hardwick Creek of Red River                            | Mouth to Little Hardwick Creek   | 0.0-3.25    | Powell       |
| Hell For Certain of Middle Fork Red River              | Mouth to Big Fork  | 0.0-2.1     | Leslie       |
| Hines Creek of Kentucky River*                         | Kentucky River Backwaters to confluence with Unidentified Tributary                        | 0.1 to 1.9  | Madison      |
| Honey Branch of Greasy Creek of Middle Fork Ken-       | Mouth to Headwaters  | 0.0-1.35    | Leslie       |

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| tucky River*  |                              |            |           |
| Hopper Cave Branch of Cavanaugh Creek*                    | Mouth to Headwaters          | 0.0-1.8    | Jackson   |
| Indian Creek of Eagle Creek*                              | Mouth to Headwaters          | 0.0 to 5.4 | Carroll   |
| Indian Fork of Sixmile Creek of Kentucky River*           | Mouth to Headwaters          | 0.0-3.3    | Shelby    |
| John Carpenter Fork of Clemons Fork of Buckhorn Creek*    | Mouth to Headwaters          | 0.0-1.2    | Breathitt |
| Joyce Fork of Cortland Fork                               | Mouth to Headwaters          | 0.0-1.2    | Owsley    |
| Katies Creek of Red Bird River                            | Mouth to Headwaters          | 0.0-4.0    | Clay      |
| Laurel Fork of Left Fork Buffalo Creek of Buffalo Creek*  | Cortland Fork to Big Branch  | 0.0-3.75   | Owsley    |
| Left Fork Big Double Creek of Kentucky River*             | Mouth to Headwaters          | 0.0-1.5    | Clay      |
| Line Fork of North Fork of Kentucky River*                | Defeated Creek to Headwaters | 12.2-28.6  | Letcher   |
| Little Middle Fork of Elisha Creek of Red Bird River*     | Mouth to Headwaters          | 0.0-0.75   | Clay      |
| Little Millseat Branch of Clemons Fork of Buckhorn Creek* | Mouth to Headwaters          | 0.0-1.2    | Breathitt |
| Little Sixmile Creek of Sixmile Creek of Kentucky River*  | Mouth to Headwaters          | 0.0-5.3    | Henry     |
| Little Sturgeon Creek of Stur-                            | Mouth to Headwaters          | 0.0-3.0    | Owsley    |

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| geon Creek   |   |            |               |
| Low Gap Branch of Elk Creek                            | Mouth to Headwaters                                       | 0.0-0.8    | Letcher       |
| Lower Devil Creek of North Fork Kentucky River         | Mouth to Headwaters                                       | 0.0-4.65   | Lee           |
| Lower Howard Creek of Kentucky River                   | Mouth to West Fork  | 0.0-2.7    | Clark         |
| Lulbegrud Creek of Red River                           | Mouth to Falls Branch                                     | 0.0-7.3    | Clark, Powell |
| Middle Fork Kentucky River                             | Mouth to Upper Twin Creek                                 | 0.0-12.7   | Lee, Owsley   |
| Middle Fork Kentucky River*                            | Hurts Creek to Greasy Creek                               | 75.6-85.8  | Leslie        |
| Middle Fork Red River                                  | South Fork of Red River to Natural Bridge State Park Lake | 1.8-8.5    | Powell        |
| Mikes Branch of Laurel Fork of Left Fork Buffalo Creek | Mouth to Headwaters                                       | 0.0-0.7    | Owsley        |
| Mill Creek of Kentucky River*                          | Upstream of Mouth to Headwaters                           | 0.5-8.3    | Owen          |
| Millseat Branch of Clemons Fork of Buckhorn Creek*     | Mouth to Headwaters                                       | 0.0-1.85   | Breathitt     |
| Muddy Creek of Kentucky River*                         | Elliston, Kentucky to Viney Creek                         | 13.8-20.65 | Madison       |
| Musselman Creek of Eagle Creek*                        | Mouth to Headwaters                                       | 0.0-9.0    | Grant         |
| Red Bird River of South Fork Kentucky River            | Mouth to Big Creek  | 0.0-15.3   | Clay          |
| Right Fork Buffalo Creek of Kentucky River*            | Mouth to Headwaters                                       | 0.0-11.75  | Owsley        |
| Right Fork Eli-  | Mouth to Headwa-  | 0.0-3.3    | Leslie        |

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| sha Creek of Redbird River                           | ters   |           |             |
| Roaring Fork of Lewis Fork of Buckhorn Creek*        | Mouth to Headwaters                                  | 0.0-0.9   | Breathitt   |
| Rock Lick Creek of South Fork of Station Camp Creek* | Mouth to Headwaters                                  | 0.0-9.6   | Jackson     |
| Sand Ripple Creek of Kentucky River*                 | Kentucky River Backwaters to Headwaters              | 0.1-3.9   | Henry       |
| Severn Creek of Kentucky River*                      | Kentucky River Backwaters to North Fork Severn Creek | 1.35-3.0  | Owen        |
| Shaker Creek of Kentucky River                       | Near Mouth to Shawnee Run                            | 0.1-1.4   | Mercer      |
| Shelly Rock Fork of Millseat Branch of Clemons Fork* | Mouth to Headwaters                                  | 0.0-0.6   | Breathitt   |
| Sixmile Creek of Kentucky River*                     | Little Sixmile Creek to Dam                          | 7.1-15.3  | Henry       |
| South Fork Kentucky River                            | Mouth to Sexton Creek                                | 0.0-27.8  | Owsley      |
| South Fork Red River                                 | Mouth to Sandlick Fork                               | 0.0-4.2   | Powell      |
| South Fork Station Camp Creek of Kentucky River*     | Mouth to Rock Lick Creek                             | 0.0-9.7   | Jackson     |
| Spruce Branch of Redbird River*                      | Mouth to Headwaters                                  | 0.0-1.0   | Clay        |
| Station Camp Creek of Kentucky River*                | Landuse Change to South Fork Station Camp Creek      | 18.0-22.8 | Estill      |
| Steeles Run of Elkhorn Creek                         | Mouth to Unidentified Tributary                      | 0.0-4.2   | Fayette     |
| Steer Fork of War Fork of Station Camp Creek*        | Mouth to Headwaters                                  | 0.0-2.7   | Jackson     |
| Sturgeon Creek of Ken-                               | Duck Fork to Little Sturgeon Creek                   | 1.3-13.7  | Lee, Owsley |

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| tucky River*  |   |            |                 |
| Sugar Creek of Redbird River*   | Landuse Change to Headwaters            | 0.6-5.4    | Leslie          |
| Sulphur Lick Creek of Elkhorn Creek                                     | Mouth to Headwaters                     | 0.0-5.2    | Franklin        |
| Unidentified Tributary of Cawood Branch of Beech Fork*                  | Mouth to Headwaters                     | 0.0-2.1    | Leslie          |
| Unidentified Tributary of Cedar Creek of Kentucky River*                | Mouth to Headwaters                     | 0.0-1.4    | Owen            |
| Unidentified Tributary of Glenns Creek of Kentucky River*               | Mouth to Headwaters                     | 0.0 to 1.9 | Woodford        |
| Unidentified Tributary of Jacks Creek of Kentucky River*                | Mouth to Headwaters                     | 0.0-1.15   | Madison         |
| Unidentified Tributary of Kentucky River*                               | Land Use Change to Headwaters           | 0.1-1.4    | Franklin        |
| Unidentified Tributary of Line Fork of North Fork Kentucky River* (LCW) | Mouth to Headwaters                     | 0.0-0.6    | Letcher         |
| War Fork of Station Camp Creek*   | Mouth to Headwaters                     | 0.0-13.8   | Jackson         |
| Watches Fork of Laurel Fork of Left Fork Buffalo Creek                  | Mouth to Headwaters                     | 0.0-1.0    | Owsley          |
| Wolfpen Creek of Red River*   | Mouth to Headwaters                     | 0.0-3.6    | Meniffee        |
| SALT RIVER BASIN  |   |            |                 |
| Brashears Creek of Salt   | Guist Creek to Bullskin and Clear Creek | 13.0-25.9  | Shelby, Spencer |

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| River   |   |           |                              |
| Cedar Creek of Salt River*                                    | Mouth to Greens Branch  | 0.0-5.2   | Bullitt                      |
| Chaplin River of Salt River*                                  | Thompson Creek to Cornishville, KY                                    | 40.9-54.2 | Washington                   |
| Doctors Fork of Chaplin River                                 | Mouth to Begley Branch  | 0.0-3.8   | Boyle                        |
| Guist Creek of Brashears Creek                                | Mouth to Jeptha Creek   | 0.0-15.7  | Spencer                      |
| Harts Run of Wilson Creek of Rolling Fork Salt River*         | Mouth to Headwaters   | 0.0-1.8   | Bullitt                      |
| Indian Creek of Thompson Creek of Chaplin River of Salt River | Mouth to Unidentified Tributary                                       | 0.0-0.9   | Mercer                       |
| Lick Creek of Long Lick Creek of Beech Fork of Salt River*    | Mouth to 0.1miles below Dam   | 0.0-4.0   | Washington                   |
| Otter Creek of Rolling Fork of Salt River*                    | Landuse Change to confluence of East Fork and Middle Fork Otter Creek | 1.7-2.9   | Larue                        |
| Overalls Creek of Wilson Creek of Rolling Fork of Salt River* | Mouth to Headwaters of Middle Fork Overalls Creek                     | 0.0-3.2   | Bullitt                      |
| Salt Lick Creek of Rolling Fork of Salt River*                | Mouth to Headwaters   | 0.0-8.6   | Larue, Marion                |
| Sulphur Creek of Chaplin River*                               | Mouth to confluence of Cheese Lick and Brush Creek                    | 0.0-10.0  | Anderson, Mercer, Washington |
| Unidentified Tributary of Glens Creek of Chaplin River        | Mouth to Headwaters   | 0.0-2.3   | Washington                   |
| West Fork Otter Creek of Rolling Fork of Salt River*          | Mouth to Headwaters   | 0.0-5.1   | Larue                        |
| Wilson Creek  | Mouth to Headwa-  | 0.0-      | Bullitt, Nel-                |

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| of Rolling Fork of Salt River*                      | ters  | 18.4        | son              |
| GREEN RIVER BASIN                                   |   |             |                  |
| Beaverdam Creek of Green River*                     | Mouth to Headwaters   | 0.0-14.5    | Edmonson         |
| Big Brush Creek of Green River                      | Brush Creek to Poplar Grove Branch                                | 13.0-17.3   | Green            |
| Cane Run of Nolin River*                            | Nolin River Lake Backwaters to Headwaters                         | 0.8-6.5     | Hart             |
| Caney Fork of Peter Creek*                          | Mouth to Headwaters   | 0.0-6.7     | Barren           |
| Clifty Creek of Rough River*                        | Barton Run to Western Kentucky Parkway                            | 7.3-17.2    | Grayson          |
| Clifty Creek of Wolf Lick Creek*                    | Little Clifty Creek to Sulphur Lick                               | 7.6-13.4    | Todd             |
| East Fork Little Barren River*                      | Red Lick Creek to Flat Creek                                      | 18.9-20.7   | Metcalfe         |
| Elk Lick Creek                                      | Duck Lick Creek to Barren Fork Creek and Edger Creek              | 3.6 to 11.8 | Allen            |
| Ellis Fork of Damron Creek*                         | Mouth to Headwaters   | 0.0-3.2     | Adair, Russell   |
| Falling Timber Creek of Skaggs Creek*               | Landuse Change to Headwaters                                      | 10.8-15.2   | Barren, Metcalfe |
| Fiddlers Creek of North Fork Rough River*           | Mouth to Headwaters   | 0.0-5.9     | Breckinridge     |
| Forbes Creek of Buck Creek of East Fork Pond River* | Mouth to Unidentified Tributary                                   | 0.0-4.1     | Christian        |
| Gasper River of Barren River*                       | Clear Fork to Wigginton Creek                                     | 17.2-35.6   | Logan, Warren    |
| Goose Creek of Green River*                         | Mouth to Little Goose Creek                                       | 0.0-8.5     | Casey, Russell   |
| Green River   | Downstream Mammoth Cave National Park Boundary to Lynn Camp Creek | 185.0-250.3 | Edmonson, Hart   |
| Halls Creek of Rough River*                         | Unidentified Tributary to Headwaters                              | 7.15-9.6    | Ohio             |

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| Lick Creek of West Fork Drakes Creek*      | Mouth to Headwaters  | 0.0-10.2    | Simpson            |
| Linders Creek of Rough River*              | Mouth to Sutzer Creek  | 0.0-7.9     | Hardin             |
| Little Beaverdam Creek of Green River*     | Mouth to SR 743  | 0.0-11.65   | Edmonson, Warren   |
| Little Short Creek of Rough River*         | Mouth to Headwaters  | 0.0-3.1     | Grayson            |
| Lynn Camp Creek of Green River*            | Mouth to Lindy Creek   | 0.0-8.5     | Hart               |
| McFarland Creek of West Fork Pond River*   | Grays Branch to Unidentified Tributary                               | 1.5-5.0     | Christian          |
| Meeting Creek of Rough River*              | Little Meeting Creek to Petty Branch                                 | 5.2-14.0    | Grayson, Hardin    |
| Muddy Creek of Caney Creek of Rough River* | Landuse Change to Headwaters   | 13.0-15.5   | Ohio               |
| North Fork Rough River*                    | Buffalo Creek to Reservoir Dam                                       | 22.1-26.9   | Breckinridge       |
| Peter Creek of Barren River*               | Caney Fork to Dry Fork   | 11.6-18.5   | Barren             |
| Pond Run of Rough River*                   | Landuse Change to Headwaters   | 1.4-6.8     | Breckinridge, Ohio |
| Puncheon Creek                             | Mouth to Tennessee State Line  | 0.0-3.8     | Logan              |
| Rough River*                               | Linders Creek to Vertrees Creek                                      | 138.0-149.4 | Hardin             |
| Russell Creek of Green River*              | Mouth to Columbia WWTP   | 0.0-40.0    | Green, Adair       |
| Russell Creek of Green River*              | Reynolds Creek to confluence with Hudson Creek and Mount Olive Creek | 56.9-66.3   | Adair, Russell     |
| Sixes Creek of Indian Camp Creek*          | Wild Branch to Headwaters  | 2.0-7.5     | Ohio               |
| Sulphur Branch of Alexander Creek*         | Mouth to Headwaters  | 0.0-3.0     | Edmonson           |
| Thompson Branch of West Fork Drakes        | Webb Branch to Tennessee State Line                                  | 0.3-1.5     | Simpson            |

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| Creek  |  |             |               |
| Trammel Creek of Drakes Creek*                       | Mouth to Tennessee State Line                    | 0.0-30.6    | Allen, Warren |
| Unidentified Tributary of Green River*               | Landuse Change to Headwaters                     | 1.7-3.2     | Adair         |
| Unidentified Tributary of White Oak Creek*           | Hovious Rd Crossing to SR 76                     | 0.4-2.9     | Adair         |
| West Fork Pond River*                                | Unidentified Tributary to East Branch Pond River | 12.45-22.5  | Christian     |
| LOWER CUMBERLAND RIVER BASIN                         |  |             |               |
| Crooked Creek of Cumberland River*                   | Energy Lake Backwaters to Headwaters             | 3.0-9.4     | Trigg         |
| Donaldson Creek of Cumberland River*                 | Craig Branch to Unidentified Tributary           | 3.2-7.2     | Trigg         |
| Elk Fork Red River of Cumberland River*              | Tennessee State Line to Dry Branch               | 7.5-23.1    | Todd          |
| Sugar Creek of Cumberland River*                     | Lick Creek to Unidentified Tributary             | 2.2-6.9     | Livingston    |
| West Fork Red River of Cumberland River*             | Tennessee State Line to Montgomery Creek         | 16.1-26.5   | Christian     |
| West Fork Red River                                  | Tennessee State Line to Montgomery Creek         | 14.75-26.85 | Christian     |
| Whippoorwill Creek of Red River of Cumberland River* | Mouth to Vicks Branch                            | 0.0-13.2    | Logan         |
| TENNESSEE RIVER BASIN                                |  |             |               |
| Blood River of Kentucky Lake (Tennessee River)*      | McCullough Fork to Tennessee State Line          | 15.15-18.7  | Calloway      |
| Clarks River of Tennessee River                      | Persimmon Slough to Middle Fork Creek            | 28.7-30.7   | Marshall      |
| Grindstone Creek of Kentucky Lake                    | Kentucky Lake Backwaters to Headwaters           | 0.7-2.9     | Calloway      |

|  |  |             |                     |
|--|--|-------------|---------------------|
| (Blood River of Tennessee River)*  |  |             |                     |
| Panther Creek of Kentucky Lake (Blood River of Tennessee River)*                             | Kentucky Lake Backwaters to Headwaters         | 0.5-5.7     | Calloway            |
| Soldier Creek of West Fork Clarks River*   | Mouth to South Fork of Soldier Creek           | 0.0-5.7     | Marshall            |
| Sugar Creek of Kentucky Lake (Tennessee River)*  | Kentucky Lake Backwaters to Buzzard Roost Road | 2.5-3.2     | Calloway            |
| Sugar Creek of West Fork Clarks River*   | Mouth to Unnamed Reservoir                     | 0.0-3.9     | Graves              |
| Trace Creek of West Fork Clarks River*   | Mouth to Neeley Branch                         | 0.0-3.35    | Graves              |
| Unidentified Tributary of Unidentified Tributary of Panther Creek of West Fork Clarks River* | Mouth to Headwaters                            | 0.0-1.7     | Graves              |
| West Fork Clarks River*  | Soldier Creek to Duncan Creek                  | 20.1-23.5   | Graves              |
| Wildcat Creek of Kentucky Lake (Blood River of Tennessee River)*                             | Ralph Wright Road Crossing to Headwaters       | 2.8-6.8     | Calloway            |
| TRADEWATER RIVER BASIN   |  |             |                     |
| East Fork of Flynn Fork of Tradewater River*   | Landuse Change to Headwaters                   | 2.15-4.6    | Caldwell            |
| Piney Creek of Tradewater River*   | Lake Beshear Backwaters to Headwaters          | 4.5-10.2    | Caldwell, Christian |
| Sandlick Creek of Tradewater River*  | Camp Creek to Headwaters                       | 4.5-8.6     | Christian           |
| Tradewater River*  | Dripping Springs Branch to Buntin              | 126.2-133.9 | Christian           |

|   |                                     |           |              |
|---|-------------------------------------|-----------|--------------|
|   | Lake Dam                            |           |              |
| Unidentified Tributary of Piney Creek of Tradewater River*    | Mouth to Headwaters                 | 0.0-2.9   | Caldwell     |
| Unidentified Tributary of Sandlick Creek of Tradewater River* | Mouth to Headwaters                 | 0.0-1.4   | Christian    |
| OHIO RIVER BASIN<br>(Minor Tributaries)                       |                                     |           |              |
| Ashbys Fork of Woolper Creek                                  | Mouth to SR 20                      | 0.0-3.7   | Boone        |
| Crooked Creek*  | Rush Creek to City Lake Dam         | 18.1-26.4 | Crittenden   |
| Double Lick Creek of Woolper Creek*                           | Mouth to Headwaters                 | 0.0-3.5   | Boone        |
| Garrison Creek*   | Mouth to Headwaters                 | 0.0-4.85  | Boone        |
| Kinniconick Creek*  | McDowell Creek to Headwaters        | 5.2-50.9  | Lewis        |
| Little South Fork of Big South Fork                           | Land Use Change to Headwaters       | 1.2-5.8   | Boone        |
| Middle Fork of Massac Creek*                                  | Hines Road to Headwaters (Pond)     | 3.1-6.4   | McCracken    |
| Second Creek*   | Ohio River Backwaters to Headwaters | 0.4-2.9   | Boone        |
| Unidentified Tributary of Big Sugar Creek*                    | I-71 to Headwaters                  | 1.0-1.8   | Gallatin     |
| Unidentified Tributary of Corn Creek*                         | Mouth to Headwaters                 | 0.0-2.3   | Trimble      |
| Unidentified Tributary of Massac Creek*                       | Mouth to Headwaters                 | 0.0-1.7   | McCracken    |
| West Fork Massac Creek*                                       | SR 724 to Little Massac Creek       | 3.6-6.2   | McCracken    |
| Yellowbank Creek*   | Ohio River Backwaters to Headwaters | 2.0-12.0  | Breckinridge |
| LAKE  |                                     |           |              |
| Metropolis  | Entire Lake                         |           | McCracken    |
| MISSISSIPPI RIVER BASIN<br>(Main Stem and Minor Tributaries)  |                                     |           |              |

|  |  |           |                  |
|--|--|-----------|------------------|
| Jackson Creek*                               | Mouth to Headwaters  | 0.0-3.0   | Graves           |
| Obion Creek*                                 | Hurricane Creek to Little Creek  | 26.7-37.1 | Hickman          |
| Terrapin Creek*                              | Tennessee State Line to Confluence of East and West Forks                              | 2.7-6.0   | Graves           |
| LAKES  |  |           |                  |
| Murphy's Pond                                | Entire Pond and Preserve Area  |           | Hickman          |
| Swan   | Entire Lake  |           | Ballard          |
| UPPER CUMBERLAND RIVER BASIN                 |  |           |                  |
| Bad Branch of Poor Fork Cumberland River*    | Mouth to Headwaters  | 0.0-3.0   | Letcher          |
| Bark Camp Creek of Cumberland River*         | Mouth to Martins Fork  | 0.0-4.0   | Whitley          |
| Beaver Creek of Cumberland River*            | Lake Cumberland Backwaters to confluence of Freeman Fork and Middle Fork               | 2.4-7.1   | McCreary         |
| Bee Lick Creek of Brushy Creek of Buck Creek | Mouth to Warren Branch   | 0.0-5.7   | Pulaski          |
| Brownies Creek of Cumberland River*          | Blacksnake Branch to Headwaters  | 9.3-16.75 | Bell, Harlan     |
| Brush Creek of Roundstone Creek*             | Wolf Creek to Reemergence of Sinking Creek   | 1.1-7.6   | Rockcastle       |
| Brushy Creek of Buck Creek*                  | Mouth to Headwaters  | 0.0-16.5  | Pulaski          |
| Buck Creek of Cumberland River*              | 0.8 river mile upstream of confluence of Hurricane Creek to Lake Cumberland Backwaters | 11.7-55.0 | Lincoln, Pulaski |
| Bunches Creek of Cumberland River*           | Mouth to confluence of Amos Falls Branch and Seminary Branch                           | 0.0-3.3   | Whitley          |
| Cane Creek of Rockcastle                     | Mouth to Headwaters  | 0.0-11.85 | Laurel           |

| River*   |  |              |                     |
|--|--|--------------|---------------------|
| Clear Creek of Roundstone Creek                | Scaffold Branch to Cane Davis Branch                                 | 3.45-7.8     | Rockcastle          |
| Clifty Creek of Brushy Creek of Buck Creek     | Mouth to Rocky Branch  | 0.0-2.7      | Pulaski             |
| Cogur Fork of Indian Creek*                    | Mouth to Headwaters  | 0.0-7.95     | McCreary            |
| Cumberland River                               | Wild River Boundaries  | 549.65-566.1 | McCreary, Whitley   |
| Dog Slaughter Creek of Cumberland River*       | Mouth to confluence of North Fork and South Fork Dog Slaughter Creek | 0.05-1.15    | Whitley             |
| Eagle Creek of Cumberland River*               | Mouth to Headwaters  | 0.05-6.75    | McCreary            |
| Fugitt Creek of Clover Fork Cumberland River*  | Landuse Change to Headwaters   | 0.5-4.6      | Harlan              |
| Horse Lick Creek of Rockcastle River*          | Mouth to Clover Bottom   | 0.0-12.3     | Jackson, Rockcastle |
| Howards Creek of Illwill Creek of Wolf River*  | Dale Hollow Reservoir Backwaters to Headwaters                       | 0.6-4.6      | Clinton             |
| Indian Creek of Cumberland River*              | Laurel Fork to Barren Fork   | 2.4-6.8      | McCreary            |
| Jackie Branch of Bark Camp Creek*              | Mouth to Headwaters  | 0.0-1.65     | Whitley             |
| Kettle Creek of Cumberland River               | State line to Wells Creek  | 1.75-6.1     | Monroe              |
| Kilburn Fork of Indian Creek                   | Mouth to Headwaters  | 0.0-7.2      | McCreary            |
| Laurel Creek of Marsh Creek                    | Mouth to Laurel Creek Dam  | 0.0-9.0      | McCreary            |
| Laurel Fork of Clear Fork of Cumberland River* | Tennessee State Line to Tiny Branch                                  | 4.3-13.1     | Whitley             |
| Laurel Fork of Middle Fork of Rockcastle       | Mouth to Headwaters  | 0.0-12.3     | Jackson             |

| River*  |   |           |                    |
|---|---|-----------|--------------------|
| Left Fork of Fugitt Creek of Clover Fork Cumberland River | Mouth to Headwaters                                 | 0.0-1.5   | Harlan             |
| Little South Fork Cumberland River*                       | Lake Cumberland Backwaters to Langham Branch        | 4.4-35.5  | McCreary, Wayne    |
| Little White Oak Creek of White Oak Creek                 | Mouth to Headwaters                                 | 0.0-2.6   | Laurel             |
| Marsh Creek of Cumberland River*                          | Laurel Creek to Kentucky/Tennessee State Line       | 8.8-26.5  | McCreary           |
| Martins Fork Cumberland River                             | Rough Branch to Headwaters                          | 27.2-32.7 | Harlan             |
| McFarland Creek of Cumberland River                       | Little McFarland Creek to Spring Branch             | 0.8-6.2   | Monroe             |
| Meshack Creek of Cumberland River                         | Mouth to Pitcock Branch                             | 0.0-2.8   | Monroe             |
| Middle Fork Rockcastle River*                             | Mouth to confluence of Indian Creek and Laurel Fork | 0.0-7.9   | Jackson            |
| Mud Camp Creek of Cumberland River*                       | Mouth to Collins Branch                             | 0.0-1.2   | Cumberland         |
| Mud Camp Creek of Cumberland River*                       | Unidentified Tributary to Headwaters                | 3.8-8.8   | Cumberland, Monroe |
| Otter Creek of Cumberland River                           | Lake Cumberland Backwaters to Carpenter Fork        | 14.0-22.1 | Wayne              |
| Poor Fork Cumberland River*                               | Franks Creek to Headwaters                          | 42.1-52.4 | Letcher            |
| Presley House Branch of Poor Fork Cumberland River*       | Mouth to Headwaters                                 | 0.0-1.5   | Letcher            |
| Puncheoncamp Branch of Rock Creek of Big South Fork       | Mouth to Headwaters                                 | 0.0-1.85  | McCreary           |

|  |  |           |                 |
|--|--|-----------|-----------------|
| Cumberland River*  |  |           |                 |
| Rock Creek of Big South Fork Cumberland River*   | White Oak Creek to Tennessee State Line        | 4.0-21.5  | McCreary        |
| Rockcastle River   | Wild River Boundaries                          | 8.95-54.7 | Laurel, Pulaski |
| Shillalah Creek of Clear Fork of Yellow Creek*   | Mouth to Headwaters                            | 0.0-5.5   | Bell            |
| Sinking Creek of Rockcastle River*   | Mouth to White Oak Creek                       | 0.0-9.9   | Laurel          |
| Sulphur Creek of Wolf River of Obey River*   | Dale Hollow Reservoir Backwaters to Headwaters | 1.7-5.1   | Clinton         |
| South Fork of Dog Slaughter Creek of Cumberland River*   | Mouth to Headwaters                            | 0.0-4.6   | Whitley         |
| South Fork Rockcastle River  | Mouth to White Oak Creek                       | 0.0-5.8   | Laurel          |
| Unidentified Tributary of Cane Creek of Rockcastle River   | Mouth to Headwaters                            | 0.0-1.2   | Laurel          |
| Unidentified Tributary (across from Hemlock Grove) of Rock Creek of Big South Fork Cumberland River* | Mouth to Headwaters                            | 0.0-1.3   | McCreary        |
| Unidentified Tributary (RMI 17.0 of Rock Creek) of Rock Creek of Big South Fork Cumberland River*    | Mouth to Headwaters                            | 0.0-1.2   | McCreary        |
| Watts Branch of Rock Creek   | Mouth to Headwaters                            | 0.0-2.6   | McCreary        |

|                                  |                                      |         |        |
|----------------------------------|--------------------------------------|---------|--------|
| of South Fork Cumberland River*  |                                      |         |        |
| Watts Creek of Cumberland River* | Camp Blanton Reservoir to Headwaters | 2.4-4.4 | Harlan |

\*Waterbodies in the cabinet's reference reach network

(a) Categorization criteria. A surface water shall be categorized as an exceptional water if the surface water:

1. Is designated as a Kentucky Wild River and is not categorized as an outstanding national resource water;

2. Is designated as an outstanding state resource water as established in 401 KAR 10:031, Section 8(1)(a)1. and 2. and Section 8(1)(b);

3. Contains a:

a. Fish community that is rated "excellent" by the use of the Index of Biotic Integrity included in Development and Application of the Kentucky Index of Biotic Integrity (KIBI), 2003; or

b. Macroinvertebrate community that is rated "excellent" by the Macroinvertebrate Bioassessment Index included in "The Kentucky Macroinvertebrate Bioassessment Index," 2003; or

4. Is in the cabinet's reference reach network.

(b) Implementation procedure. The implementation procedure for exceptional water shall be as established in subsection (3)(b) of this section.

(3) High quality water.

(a) Categorization criteria.

1. A surface water shall be categorized as high quality water if the surface water is not listed as an outstanding national resource water or an exceptional water in Table 1 or 2 of this section and if the surface water does not meet the criteria for impaired water as established in subsection (4)(a) of this section.

2. A surface water shall be categorized as a high quality water if the surface water is listed as an outstanding state resource water in 401 KAR 10:026 and is not listed as an outstanding national resource water in Table 1 or an exceptional water in Table 2 of this section.

(b) Implementation procedure. Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected. A KPDES permit application for a new or expanded discharge into a high quality or exceptional water shall be subject to the provisions of this paragraph, except:

1.a. The renewal of a KPDES permit that does not authorize pollutant loading to the receiving stream in excess of that previously authorized;

b. An increase in pollutant loading within the limits previously approved by the KPDES permit; or

c. A new or expanded discharge that the applicant demonstrates:

(i) Shall not consume more than ten (10) percent of the available assimilative capacity of the receiving stream outside of a designated mixing zone or zone of initial dilution for each new or increased pollutant in the discharge; and

(ii) The cumulative impact of this category of discharges shall not consume more than ten (10) percent of the available assimilative capacity of the receiving stream outside of a designated mixing zone or zone of initial dilution.

2. The activities identified in clauses a. through d. of this subparagraph shall constitute compliance with the alternatives and socioeconomic analysis requirements if addressed in the manner established in this subparagraph rather than as established in subparagraph 1.c. of this paragraph, unless the permittee chooses to satisfy applicable antidegradation require-

ments pursuant to subparagraph 3. of this paragraph.

a. The cabinet may, upon receipt of a notice of intent to be covered under a general permit, require additional analyses or other information if necessary to comply with antidegradation requirements. A general permit issued pursuant to 401 KAR 5:050 through 5:080 shall be compliant with the alternatives and socioeconomic analysis requirements if:

(i) The activity permitted by the general permit may result in a lowering of water quality, the cabinet shall describe in the Fact Sheet how the general permit complies with the alternatives analysis, and socioeconomic demonstration requirements of subparagraph 1.c. of this paragraph upon each general permit issuance;

(ii) The requirements and conditions in a general permit will prevent a lowering of water quality, the cabinet shall describe in the Fact Sheet how the general permit complies with the antidegradation policy established in 401 KAR 10:029, Section 1; and

(iii) The cabinet notifies the public of an activity granted coverage under a general permit on the cabinet's Web page, which shall include the facility name, location, and receiving water.

b. The approval of a POTW's regional facility plan pursuant to 401 KAR 5:006 shall constitute compliance with the alternatives analysis and socioeconomic demonstration for a regional facility.

c. An antidegradation review shall not be required for maintenance of an existing highway facility. A new or expanded discharge associated with a project identified in the Kentucky Transportation Cabinet's six (6) year road plan, as established in KRS 176.430 shall satisfy the:

(i) Alternatives analysis for lowering water quality requirement if an alternatives analysis for the project has been submitted; and

(ii) Socioeconomic demonstration requirement if the project has been approved by the General Assembly and included in the Kentucky Transportation Cabinet's six (6) year road plan and evaluated pursuant to the provisions of KRS 176.430(4)(i).

d. An individual MS4 permit issued pursuant to 401 KAR 5:050 through 5:080 shall be compliant with the alternatives and socioeconomic analysis requirements if the:

(i) Activity permitted by the MS4 permit may result in a lowering of water quality, the cabinet shall describe in the Fact Sheet how the MS4 permit complies with the alternatives analysis and socioeconomic demonstration requirements of subparagraph 3.a. and b. of this paragraph; and

(ii) Requirements and conditions in the MS4 permit will prevent a lowering of water quality, the cabinet shall describe in the Fact Sheet how the MS4 permit complies with the antidegradation policy established in 401 KAR 10:029, Section 1.

3. An application for a KPDES permit subject to this paragraph shall contain information demonstrating that the lowering of water quality is necessary to accommodate important economic or social development in the area in which the water is located.

a. The socioeconomic demonstration shall consider:

(i) The boundaries of the affected community;

(ii) The potential effect on employment, including a comparison of local unemployment rates and state and national unemployment rates;

(iii) The potential effect on median household income levels, including a comparison of the present median household income level, projected median household income level, and number of households affected in the defined community;

(iv) The potential effect on tax revenues, including current tax revenues in the affected community compared to projected increase in tax revenues generated by the permitted project;

(v) The potential effect of the facility on the environment and public health; and

(vi) Other potential economic or social effect to the community that the applicant includes in

the application.

b. The alternatives analysis shall consider:

- (i) Pollution prevention measures, such as changes in plant processes, source reductions, or substitution with less toxic substances;
- (ii) The use of best management practices to minimize impacts;
- (iii) Recycle or reuse of wastewater, waste by-products, or production materials and fluids;
- (iv) Application of water conservation methods;
- (v) Alternative or enhanced treatment technology;
- (vi) Improved operation and maintenance of existing treatment systems;
- (vii) Seasonal or controlled discharge options;
- (viii) Land application or infiltration to capture pollutants and reduce surface runoff, on-site treatment, or alternative discharge locations; and
- (ix) Discharge to other treatment facilities.

c. Information required pursuant to this subparagraph shall be submitted on the Socioeconomic Demonstration and Alternatives Analysis form.

4. A permit applicant who has failed to demonstrate the necessity and social or economic development importance for lowering water quality shall not receive a permit unless:

- a. The applicant demonstrates, through a revised submission, the necessity for lowering revised water quality in accordance with subparagraph 3. of this paragraph; or
- b. The applicant demonstrates that the discharge can meet the requirements established in subparagraph 1.c. of this paragraph.

5. A permit applicant who demonstrates the necessity and social or economic development importance for lowering water quality shall meet the requirements of the KPDES program, 401 KAR 5:050 through 5:080.

6. The cabinet's determination shall be documented in the permit Fact Sheet and included in the administrative record for the permit or action.

(4) Impaired water.

(a) Categorization criteria. A surface water categorized as impaired for applicable designated uses shall be a water identified pursuant to 33 U.S.C. 1315(b).

1. Surface water categorized as impaired shall be assessed by the cabinet as not fully supporting any applicable designated uses.

2. A surface water shall not be categorized as impaired water if the surface water is listed as an outstanding state resource water in 401 KAR 10:026.

3. A surface water shall not be categorized as impaired for the purposes of this administrative regulation if the surface water is listed only as mercury impaired for fish consumption.

(b) Implementation procedure.

1. All existing uses shall be protected and the level of water quality necessary to protect those existing uses shall be assured in impaired water.

2. The process to allow a discharge into an impaired water and to assure protection of the water shall be regulated by the requirements in the Kentucky Pollution Discharge Elimination System Program, 401 KAR 5:050-5:080.

Section 2. Procedure for Recategorizing Water. This section shall apply to the recategorization of surface water to outstanding national resource water and exceptional water. The redesignation of water to outstanding state resource water shall be governed by the procedures in 401 KAR 10:026. (1) The cabinet may propose to recategorize certain water to outstanding national resource water and exceptional water if the water meets the criteria set forth in Section 1(1)(a) or (2)(a) of this administrative regulation.

(a) If the cabinet proposes to recategorize these waters, it shall provide notice and an op-

portunity for public hearing.

(b) The cabinet shall provide the documentation requirements of this section for those surface waters it proposes to recategorize.

(2) A person may request recategorization of a surface water to an outstanding national resource water or exceptional water by filing a petition with the cabinet.

(a) The petition shall include the name and address of the petitioner and the information and documentation necessary to recategorize the particular water as required by subsection (4) of this section.

(b) The petitioner shall have the burden of proof that the recategorization is appropriate.

(c) The cabinet shall provide notice of the petition and an opportunity for a public hearing.

(d) The cabinet shall review the petition, supporting documentation, and any comments received from the public to determine if the proposed water qualifies for recategorization.

(e) The cabinet shall document the determination to grant or deny recategorization as a result of a petition, and shall provide a copy of the decision to the petitioner and other interested parties.

(3) If a water is to be recategorized, the cabinet shall publish notice of the recategorization.

(a) A permit issued after the date of publication shall be issued with limitations based on the new category.

(b) When the cabinet reviews its water quality standards pursuant to the provisions of Section 303 of the Clean Water Act, 33 U.S.C. 1313, the cabinet shall propose to have all recategorized water promulgated as an amendment to this administrative regulation.

(4) The following information, documentation, and data shall support a petition for recategorization:

(a) A petition for outstanding national resource water shall include:

1. A USGS 7.5 minute topographic map or its equivalent showing those surface waters to be recategorized including a description consisting of a river mile index with any existing and proposed discharge points;

2. Existing uses and water quality data for the surface water for which the recategorization is proposed. If adequate data are unavailable, additional studies shall be required by the cabinet;

3. Descriptions of general land uses and specific land uses adjacent to the surface water for which the recategorization is proposed;

4. The existing and designated uses of the water upstream and downstream of the proposed recategorized water;

5. General physical characteristics of the surface water including width, depth, bottom composition, and slope;

6. The frequency of occasions when there is no natural flow in the surface water and the 7Q<sub>10</sub> and harmonic mean flow values for the surface water and adjacent surface waters;

7. An assessment of the existing and potential aquatic life habitat in the surface water under consideration and the adjacent upstream surface waters. The existing aquatic life shall be documented including the occurrence of individuals or populations, indices of diversity and well-being, and abundance of species of any unique native biota;

8. A documented rationale as to why the water qualify for the recategorization; and

9. The rationale used to support the national significance of the water.

(b) A petition for exceptional water shall include:

1. A United States Geological Survey 7.5 minute topographic map or its equivalent showing the surface water to be recategorized including a description consisting of a river mile index with existing and proposed discharge points;

2. Descriptions of general land uses, including:

a. Mining;

- b. Agriculture;
- c. Recreation;
- d. Low, medium, and high density residential, commercial, or industrial uses; and
- e. Specific land uses adjacent to the surface water for which the recategorization is proposed;

3. The frequency of occasions when there is no natural flow in the surface water and the 7Q<sub>10</sub> and annual mean flow values for the surface water; and

4. Fish or benthic macroinvertebrate collection data and an Index of Biotic Integrity or Macroinvertebrate Bioassessment Index calculation from a waterbody if criteria specified in Section 1(2)(a)3 of this administrative regulation are utilized.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Development and Application of the Kentucky Index of Biotic Integrity (KIBI)", 2003, Kentucky Division of Water, Environmental and Public Protection Cabinet;

(b) "The Kentucky Macroinvertebrate Bioassessment Index", 2003, Kentucky Division of Water, Environmental and Public Protection Cabinet; and

(c) "Socioeconomic Demonstration and Alternative Analysis", KPDES Form SDAA, April 2009.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Water, 300 Sower Boulevard, Frankfort, Kentucky, 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (21 Ky.R. 2843; Am. 89; 280; eff. 7-12-1995; 26 Ky.R. 145; 819; 1144; eff. 12-8-1999; 30 Ky.R. 1024; 1801; 31 Ky.R. 558; eff. 9-8-2004; TAm eff. 8-9-2007, Recodified from 401 KAR 5:030, 6-11-2008; 35 Ky.R. 161; 908; 36 Ky.R. 31; eff. 7-30-2009; 37 Ky.R. 2071; 2655; eff. 8-5-2011; 42 Ky.R. 884; 2092; eff. 2-5-2016; TAm 7-8-2016.)